

Minutes for the Annual Town Meeting held September 26, 2020

Pursuant to the provisions of the foregoing warrant, the voters assembled at the Nauset Regional High School Football Field to vote on the following articles with actions as noted. In accordance with Section 7 of "An Act Relative to Municipal Governance during the COVID-19 emergency" (S2680); on August 31, 2020, the Board of Selectmen voted to adjust the quorum requirement to 100. The quorum of 100 was declared by the Town Clerk and the Moderator called the meeting to order at 10:03a.m. with 262 voters in attendance.

Articles 1. (Establish a Water Enterprise Fund)

A motion was made and seconded by the Board of Selectmen to accept the provisions of Chapter 44, Section 53F1/2 of the Massachusetts General Laws and to establish water operations as an enterprise fund for FY21, effective July 1, 2020.

Majority vote declared by Moderator
Count: 234 Yes 21 No

Article 2. (Annual Operating Budget)

A motion was made and seconded by the Board of Selectmen to see if the Town raise and appropriate the sum of **\$30,422,389** for the Town operating budget for the fiscal year 2021 as printed in the warrant, and to defray this amount, transfer the following amounts from the following funds:

Ambulance Receipts Reserved Fund	\$520,000	For Line 28 – Fire Salary
Septic Loan Betterment Fund	\$20,400	For Line 75 – Debt Service
Government Media Access Fund	\$105,000	For Line 12 – IT Department Salary
Waterway Improvement Fund	\$2,000	For Line 18 - Natural Resources Salary
Library Trustee Fund	\$30,000	For Line 67 - Library Salaries
and, Transfer from Free Cash	\$2,500	

Majority vote declared by Moderator
Count: 246 Yes 16 No

Article 2A. (Water Enterprise Fund Budget)

A motion was made and seconded by the Board of Selectmen to appropriate from estimated water revenue the sum of **\$250,000**, and transfer from free cash the sum of **\$144,406**, for a total appropriation of **\$394,406** to fund the Water Enterprise Fund budget for the fiscal year 2021.

Amounts Appropriated:	FY 2021
Salaries and Wages	\$ 86,906
Expenses	307,500
Transfer for Costs Appropriated in General Fund	-
Total Amounts Appropriated	<u>\$ 394,406</u>

-Continued-

Article 2A cont'd:

Funding Sources:

Water Revenue	\$ 250,000
Free Cash (General Fund Subsidy)	144,406
Total Funding Sources	<u>\$ 394,406</u>

Majority vote declared by Moderator
Count: 244 Yes 15 No

Article 3 & 3A Consolidated.

A motion was made and seconded by the Board of Selectmen in accordance with the requirements of the Town of Eastham Home Rule Charter Section 6-6A to accept the five-year Capital Improvement Plan for Fiscal Year 2021 through 2026 and to appropriate the sum of **\$671,900** for the purposes of acquiring the items and undertaking the improvements, and to fund this appropriation: transfer **\$558,400** from Free Cash; transfer **\$105,000** from the Ambulance Receipts Reserved Fund; and transfer **\$8,500** from the Government Media Access (Cable) Fund.

ITEM	DEPARTMENT/ITEM	FY 21 REQUEST	SOURCE
	INFORMATION TECHNOLOGY DEPARTMENT		
1	Server Upgrades/Network Enhancements	10,000	Free Cash
2	Video Equipment Upgrades & Purchases	5,000	Cable Fund
3	Mobile Computers & Tablets purchase & replacements	5,000	Free Cash
4	Software & Hardware Upgrades	25,000	Free Cash
5	PA System Upgrades & Purchases	3,500	Cable Fund
	Subtotal	48,500	
	NATURAL RESOURCES DEPARTMENT		
6	Kayak Vessel Storage Racks	5,000	Free Cash
7	Portable GPS	2,500	Free Cash
	Subtotal	7,500	
	MUNICIPAL BUILDINGS & FACILITIES DEPARTMENT		
8	Floor Machine/Snow Blower	1,400	Free Cash
9	Building Repairs, Maintenance & Painting (all buildings)	40,000	Free Cash
10	Energy Enhancements (Electric Vehicles & Charging Stations)	25,000	Free Cash
11	Fire Department Diesel Exhaust Apparatus	30,000	Ambulance Fund
	Subtotal	96,400	
	SCHOOL DEPARTMENT		
12	Building Maintenance & Improvements	22,500	Free Cash
13	Indoor/Outdoor Lighting Replacements & Upgrades	7,000	Free Cash
14	Booster Water Heater/Kitchen	2,500	Free Cash
	Subtotal	32,000	
	BEACHES/RECREATION DEPARTMENT		
15	Rinse Towers/Water Filling Stations	12,000	Free Cash

	PUBLIC WORKS DEPARTMENT		
16	Parking Lot Maintenance	20,000	Free Cash
17	Stormwater upgrades & MS4 permit support services	58,000	Free Cash
18	Transfer Station Container Maintenance & Upgrades	10,000	Free Cash
19	Snow & Ice Sanders	15,000	Free Cash
	Subtotal	103,000	
	POLICE DEPARTMENT		
20	Electronic Speed/Information Signs	10,000	Free Cash
	Subtotal	10,000	
	FIRE DEPARTMENT		
21	Upgrade and Replace Turnout Gear	25,000	Ambulance Fund
22	Extrication Equipment (i.e. Jaws/Air Bags)	40,000	Ambulance Fund
23	Fire Hose (various sizes) replacement	10,000	Ambulance Fund
	Subtotal	75,000	
	MISCELLANEOUS REQUESTS		
24	Coastal Erosion Planning/Study/Mitigation	75,000	Free Cash
25	Wastewater Planning & Implementation	162,500	Free Cash
26	Town Landings	25,000	Free Cash
27	Grant Matching Funds	25,000	Free Cash
	Subtotal	287,500	
	TOTAL CAPITAL PROJECTS REQUESTS	671,900	

SUMMARY OF FUNDING SOURCES	
Free Cash	558,400
Ambulance Receipts Fund	105,000
Cable Fund	8,500
TOTAL FUNDING	671,900

Article 3A (Five – Year Capital Plan)

A motion was made and seconded by the Board of Selectmen, in accordance with Chapter 6-6A of the Eastham Home Rule Charter, to accept the Capital Improvement Plan for FY22-26 as printed in the warrant.

Majority vote declared by Moderator
Count: 251 Yes 13 No

Article 4. (Recurring Capital Plan Funding / First Year Radios & 911 System Equipment)

A motion was made and seconded by the Board of Selectmen to raise and appropriate **\$400,000** to provide for permanent funding of the town capital plan, with the first year (FY21) going towards the purchase of new police radios and the replacement of the Town's 911 system equipment, contingent on the passage of a proposition 2 ½ override ballot question.

Majority vote declared by Moderator
Count: 244 Yes 21 No

Article 5. (Fund Betterment/Loan Program for Water Connection)

A motion was made and seconded by the Board of Selectmen to transfer from free cash the sum of **\$50,000** for the initial funding of a loan/betterment program authorized by Chapter 5 of the Acts of 2020 to assist residents who are interested in borrowing money from the Town to connect their residence or small business to the public water system, and to authorize the Town Treasurer to establish and administer said program.

Majority vote declared by Moderator

Count: 245 Yes 20 No

Article 6. (Fund Collective Bargaining Agreements)

A motion was made and seconded by the Board of Selectmen to raise and appropriate **\$363,554** to fund and implement the cost items of the first year of separate collective bargaining agreements between the Town and all employee unions, with each agreement covering the period of July 1, 2020 through June 30, 2023, and to fund wage adjustments for non-union employees for FY21.

Majority vote declared by Moderator

Count: 223 Yes 33 No

Article 7. (Nauset Regional High School Building Project)

A motion was made and seconded by the Board of Selectmen to authorize the Select Board to execute and deliver, for nominal consideration, a deed conveying to the Nauset Regional School District, formerly the Eastham-Orleans-Wellfleet Regional School District, the land in said Town of Eastham comprising lots 7,8,9,10,11,12,13,14,15,16,17 and 22, together with the fee in Queen Anne Road and Lucinda Road, all depicted in a plan of land entitled: Subdivision Plan of Land in Eastham, Nickerson and Berger, Civil Engineers, February 1961, and duly recorded as Land Court Plan 13959-B, in the Land Registration Office, Barnstable County Registry of Deeds.

Majority vote declared by Moderator

Count: 251 Yes 5 No

Article 8. (Family Support Package)

A motion was made and seconded by the Board of Selectmen to appropriate the sum of **\$490,500** for the purposes of funding the family support package which provides for funding education, housing and human service needs to the residents of Eastham, contingent on a proposition 2 ½ override vote.

Majority vote declared by Moderator

Count: 221 Yes 45 No

Article 9. (Visitors Service Board Funding)

A motion was made and seconded by the Board of Selectmen to appropriate and transfer the sum of **\$12,000** from FY20 Hotel Motel Excise Tax (free cash so called), in accordance with Annual Town Meeting Article 26, May 4, 1998, to the Eastham Promotions Fund to be expended by the Visitors Service Board on the following items: landscaping, lighting, holiday decorations, and general improvement of the Windmill Green \$3,500; flower island support \$500 and summer concerts \$8,000.

Majority vote declared by Moderator

Count: 257 Yes 11 No

Article 10. (Chamber of Commerce Funding)

A motion was made and seconded by the Board of Selectmen to transfer **\$18,000** from free cash to the Eastham Chamber of Commerce as a grant to fund the operations of the Information Booth.

Majority vote declared by Moderator

Count: 241 Yes 23 No

Article 11. (Fund T-Time Planning & 400 Committee)

A motion was made and seconded by the Board of Selectmen to transfer from free cash **\$20,000** to be used, once approved by the Select Board, to assist the T-Time Committee in the planning and development of the parcel and **\$10,000** to be used, once approved by the Select Board, for additional town services, and/or special events for the 400 Commemoration.

Majority vote declared by Moderator

Count: 235 Yes 30 No

Article 12. (Town Charter Amendments)

A motion was made and seconded by the Board of Selectmen to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town of Eastham Charter in order to create a gender neutral Charter by changing the name of the Board of Selectmen to Select Board, and to change the position of Town Administrator to Town Manager, to reorganize certain provisions in order to make the Charter more understandable, and to make various additional substantive and non-substantive changes; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition as printed in the warrant.

The amendments will:

- Change the title of Town Administrator to Town Manager and the title of Board of Selectmen to Select Board
- Establish a Department of Municipal Finance to integrate all Town finance operations under the leadership of a Director of Municipal Finance.
- Authorize delegation of the Town Manager's authority to the Assistant Town Manager during short absences of the Town Manager and appointment of an Acting Town Manager during extended absences.
- Create one Capital Projects Committee that would have oversight over all capital projects bonded for \$1,000,000 or more (an increase from \$500,000) rather than a separate CPC for each capital project.
- Specify procedures for filling vacancies that occur between elections on various elected Town Boards, commissions and committees and in the office of Town Moderator.
- Allow a member of an appointed multimember body to be reappointed after 3 terms if no one else is available to serve.
- Allow the Select Board to wait to fill a vacancy on the Board until the next election if the vacancy occurs less than 8 months before the next election.
- Ensure that the Board of Library Trustees would be consulted in the appointment of a Library Director.
- Change the number of Select Board member votes required for removal of a Town Manager from three to four, the same number required to appoint a Town Manager
- Change the need for Charter amendments to restructure some Boards, committees or commissions and require public notification of the establishment of any new multimember body.

- Remove obsolete transitional provisions and duplicative statements of requirements, reorganize the Charter articles to keep provisions dealing with the same subject matter together, establish the principle of gender neutral language in the Charter and correct some editorial errors and ambiguities in the existing Charter.

Majority vote declared by Moderator

Count: 241 Yes 26 No

Article 13-17 Consolidated. (Elected Officials Salaries, Authorization & Spending Limits for Revolving Accounts, Greenhead Fly Control, Department of Environmental Protection & Nauset Regional School Funding Agreement)

A motion was made and seconded by the Board of Selectmen to approve Articles 13-17:

Article 13 - that the sum of **\$85,000** be raised and appropriated for Elected Officials Salaries;

Moderator	\$ 500
Town Clerk	\$72,000
Select Board Member (5) \$2,500 each	<u>\$12,500</u>
Total	\$85,000

Article 14 – Set Authorization & Spending Limits for Revolving Accounts;

Revolving Fund	FY 2021 Spending Limit
Recreation Bottles & Cans	25,000
Home Composting Bin/Recycling	1,200
Vehicular Fuel Sales	35,000
COA/Day Center	12,500

Article 15 - Greenhead Fly Control \$2,500 be transferred from free cash

Article 16 - Department of Environmental Protection: to assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the General Laws, as most recently amended for all damages that may be incurred by the Massachusetts Department of Environmental Protection for the improvement, development, maintenance, and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshore and shores along a beach, in accordance with Section 11 of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts and

Article 17 (Nauset Regional School Funding Agreement) to accept the provisions of G.L. Chapter 71, Section 16B, which would reallocate the sum of member towns' contributions to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called, for fiscal year 2021

Majority vote declared by Moderator

Count: 247 Yes 14 No

Article 18. (Plastic Ban)

A motion was made and seconded by the Board of Selectmen to adopt the Plastic and Marine Hazards Reduction Bylaw as a general bylaw and insert it into the Code of the Town of Eastham, Massachusetts.

Plastic and Marine Hazards Reduction Bylaw

Preamble:

This bylaw seeks to reduce the reliance on single-use plastics by residents and visitors within the Town of Eastham. It further seeks to reduce the hazard to wildlife caused by balloons filled with lighter-than-air gases. The intent is for the Town of Eastham to:

- Phase out single-use plastic Checkout Bags effective November 1, 2020.
- Phase out the use of Polystyrene, Plastic Straws, and Polystyrene Disposable Food Services Containers and Cutlery, effective November 1, 2020.
- Ban the sale, distribution, and intentional release of Helium balloons as of November 1, 2020.

Section 1: Definitions

“Checkout Bag” shall mean a carryout bag provided by a Retail Establishment to a customer at the point of sale.

“Polystyrene” shall mean blown Polystyrene (Polystyrene that has been expanded or blown using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including but not limited to fusion of polymer spheres (expandable bead Polystyrene), injection molding, form molding, and extrusion blown molding (extruded foam Polystyrene), sometimes called Styrofoam, a Dow Chemical Co. trademarked form of Polystyrene foam. It bears the recycling number 6.

“Food Establishments” shall mean any operations including without limitation, restaurants, schools, farmers markets, and other public venues that store, prepare, package, serve, vend and otherwise provide food for human consumption. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000 et. seq., shall be considered a Food Establishment for the purposes of this bylaw.

“Lighter-Than-Air Gas” shall mean a gas that is buoyant in air because it has a density less than air (including but not limited to helium gas). Herein, Helium will be used interchangeably with Lighter-Than-Air Gas.

“Retail Establishment” shall mean any person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods or materials directly to a customer, whether for or not for profit, including but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, household goods stores, and bazaars or festivals.

“Plastic Straw” shall mean any single-use thin plastic tube that is meant to allow its user to more conveniently consume a beverage, including but not limited to those made from polyethylene, polypropylene and Polystyrene.

“Polystyrene Disposable Food Services Containers and Cutlery” shall mean single-use disposable products made from Polystyrene for serving or transporting food or beverages, including without limitation take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and/or retail food establishment. This includes but is not limited to plates, cups, bowls, trays, hinged or lidded containers, straws, stirrers, cup lids, and cutlery. It shall also include single-use disposable packaging for uncooked foods prepared on the premises, as well as disposable catering trays.

“Public Venues” shall mean facilities available for public use without charge including but not limited to meeting halls, churches, Town offices, Recreation Department, Library and schools.

Section 2: Plastic Checkout Bag Reduction

2.1 Requirements

- A. Effective November 1, 2020, Retail Establishments shall not use, sell or distribute single use plastic Checkout Bags. Durable bags made from polypropylene or polyester intended for long-term reuse are still permitted.
- B. The Board of Health may promulgate rules and regulations to implement this section.

- C. Any old stock not used by November 1, 2020 will be accepted by the Eastham Transfer Station free of charge for proper disposal until November 30, 2021.

2.2 Enforcement

This bylaw may be enforced by any Town of Eastham Police Officer, Health Agent or her designee, and any agents designated by the Select Board.

2.3 Violations

Enforcement of fines will begin on November 1, 2021.

First Offense: Written warning

Second Offense: \$200 fine

Third and Subsequent Offenses: \$300.

Each day or portion thereof that a violation continues shall constitute a separate offense.

Each offense occurring within two years of the date of a prior reported offense will be considered a subsequent offense.

Section 3: Polystyrene Reduction

The Town of Eastham will phase out the use of Polystyrene, Plastic Straws, and Polystyrene Disposable Food Services Containers and Cutlery, effective November 1, 2020.

3.1 Requirements.

- A. Effective November 1, 2020, Food Establishments and Retail Establishments shall not use, sell or distribute Polystyrene, Plastic Straws, and Polystyrene Disposable Food Services Containers and Cutlery including foam packing peanuts and Polystyrene foam coolers (including “Styrofoam” coolers). Any stock remaining after that date shall be accepted for disposal free of charge at the Eastham Transfer Station for proper disposal, through November 30, 2021.
- B. This Bylaw shall not apply to polystyrene packing peanuts and foam packaging reused from shipments coming into Eastham; prepackaged meat and produce trays, egg cartons and other foods or beverages bought from a wholesaler or out-of-town supplier, or polystyrene foam freezer chests enclosed in durable rigid plastic.
- C. Accommodation for disabled residents and visitors: In recognition of the needs of disabled citizens and visitors, businesses shall make available on demand bendable Plastic Straws. They may not question patrons about their disabilities nor demand proof of disability. The Eastham Senior Center is exempt from the provisions of this Bylaw concerning plastic drinking straws.
- D. Single-use service containers and cutlery, including but not limited to bowls, cups, trays, and plates, must be 100% recyclable or compostable in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste. Compostable products requiring a commercial composting facility or a composting facility where temperatures reach 140°F may not be used until such time as the residents and businesses in Eastham have reliable access to such facilities as determined by the Select Board or its designees.

3.2 Enforcement:

This bylaw may be enforced by any Town of Eastham Police Officer or designee, or any agent designated by the Select Board.

3.3 Violations:

Enforcement of fines will begin on November 1, 2021.

First Offense: Written warning

Second Offense: \$200 fine

Third and Subsequent Offenses: \$300 fine

Each day or portion thereof that a violation continues shall constitute a separate offense.

Each offense occurring within two years of the date of a prior reported offense will be considered a subsequent offense.

The Board of Health, after a hearing conducted in accordance with the procedures set forth in 105 CMR 590.14 and 590.15, may suspend or revoke the food service permit for any establishment failing to comply with this bylaw.

Section 4: Balloon Ban

Balloons filled with Lighter-Than-Air Gas (including but not limited to Helium) and their strings constitute a public nuisance creating litter along our beaches and in our salt marshes and pose a danger to sea turtles, marine mammals, marine and terrestrial birds, and to small wildlife. Mylar balloons, when tangled with power lines, can cause power outages. Therefore, the Town of Eastham will ban the sale, distribution, and intentional release of Helium balloons as of November 1, 2020.

Effective November 1, 2020, no person shall sell or distribute to the public, any type of balloon (including but not limited to plastic, latex, rubber or Mylar balloons) inflated with any type of Lighter-Than-Air Gas. This includes so-called Chinese Floating Lanterns. No businesses or events shall use balloons with Lighter-Than-Air Gas as advertising props.

No person shall intentionally release, or cause to be released, any balloon into the air in the Town of Eastham. No person shall throw, deposit, discard or otherwise discharge inflated or uninflated balloons into any street, alley, waterway, park, beach or other public place in the Town of Eastham.

1.1 Exemptions:

The launching of balloons inflated with Lighter-Than-Air Gas by government agencies or scientific research organizations is allowed. This law does not apply to dirigibles or lighter-than-air aircraft which are intended to be recovered after use.

4.2 Enforcement:

This bylaw may be enforced by any Town of Eastham Police Officer, Natural Resources Officer, or any agent authorized by the Select Board.

4.3 Violations:

Enforcement of fines will begin on November 1, 2021.

First Offense: Written warning

Second Offense: \$200 fine

Third and Subsequent Offenses: \$300 fine

Each day or portion thereof that a violation continues shall constitute a separate offense.

Each offense occurring within two years of the date of a prior reported offense will be considered a subsequent offense. Each balloon may constitute a separate offense.

Section 5: Severability

If any provision of this Bylaw is declared invalid, or unenforceable, the other provisions shall not be affected thereby; or to take any action relative thereto.

Majority vote declared by Moderator

Count: 245 Yes 20 No

Article 19. (Petition – Commercial Single Use Water Bottle Ban)

A motion was made by petition and seconded by the Board of Selectmen to adopt the following as a general bylaw and to insert it into the Code of the Town of Eastham, Massachusetts.

Section 1: Sale of single-use Plastic Water Bottles

Effective on September 21, 2021, it shall be unlawful to sell non-carbonated, unflavored drinking water in single-use plastic bottles of less than one gallon in the Town of Eastham. Enforcement of this regulation will begin September 1, 2021.

Section 2: Definitions

A single-use plastic bottle is a beverage container made from any type of plastic resin.

Section 3: Exemptions

Sales or distribution of non-carbonated, unflavored drinking water in single-use plastic bottles occurring subsequent to a declaration of emergency by the Emergency Management Director or

other duly authorized Town, County, State or Federal official affecting the availability and/or quality of drinking water to the Town shall be exempt from this bylaw until seven days after the declaration has ended.

Section 4: Enforcement

Enforcement of this article shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other Town duties as appropriate. Any establishment conducting sales in violation of this article shall be subject to a non-criminal disposition fine as specified in Massachusetts General Laws, Chapter 40, Section 21D. The following penalties apply:

- First violation: Written warning
- Second violation: \$150 fine
- Third and subsequent violations: \$300 fine

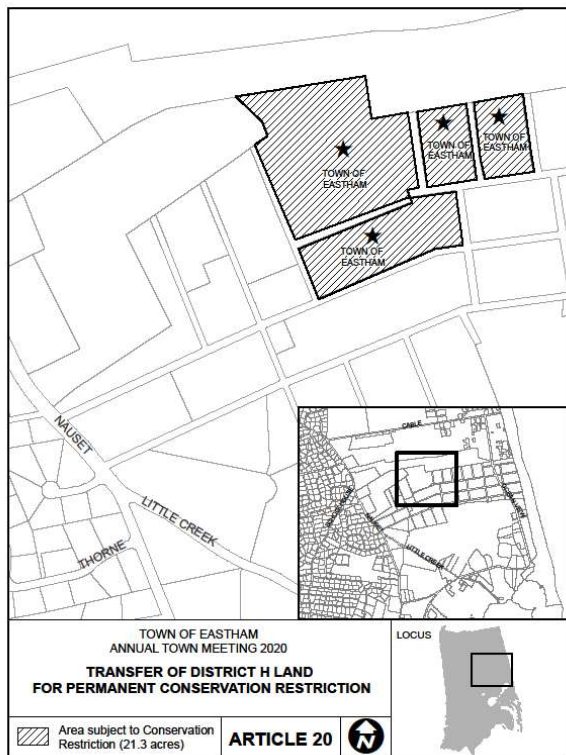
Each day a violation continues constitutes a separate violation, incurring additional fines. Any such fine collected shall be payable to the Town of Eastham. All businesses will be routinely inspected until the Town Manager deems the inspection to be no longer required.

Majority vote declared by Moderator
Count: 231 Yes 29 No

Article 20. (Transfer of District H Land for Permanent Conservation Restriction)

A motion was made and seconded by the Board of Selectmen to transfer the care, custody,

management and control of a parcel of land off Ocean View Drive, Eastham, containing 21.3± acres, shown as “Proposed Parcel for Conservation Restriction, Total Acreage= 21.3 Acres” on a plan entitled “District H- Conservation Restriction Boundary Plan, Eastham, MA,” prepared by Environmental Partners Group, a copy of which is on file with the Town Clerk’s office, and being a portion of land shown on Assessor’s Map 24 as Lots 28 and 29, from the Board of Selectmen held for recreational purposes to the Board of Selectmen for habitat and conservation purposes; and further to authorize the Board of Selectmen to impose on the above described parcel a perpetual declaration of restriction and to grant a perpetual conservation restriction in accordance with the provisions of G.L. Chapter 184, Section 31-34 for habitat and conservation purposes, to the Eastham Conservation Foundation, Inc., or such other qualified land trust, nonprofit organization or government entity, and to execute any other documents as may be necessary pursuant to the Conservation and Management Permit dated March 3, 2020, issued to the Town by the Commonwealth of Massachusetts Division of Fisheries and Wildlife, on such terms and conditions as the Board of Selectmen deem suitable.



Two-thirds vote declared by Moderator
Count: 244 Yes 9 No

Article 21-23 Consolidated (New or Amended Tax Deferral Programs & Exemptions)

A motion was made and seconded by the Board of Selectmen to:

Article 21 (Financial Hardship Tax Deferral) reduce the interest rate to 3% interest; pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 18A.

Article 22 (Senior Tax Deferral) reduce the interest rate to 3%; pursuant to the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 41A.

Article 23 (Establish Elderly/Disabled Tax Relief Fund-Voluntary Donations) accept the provisions of Massachusetts General Laws Chapter 60, Section 3D, which will allow the town to designate a place on the tax bill whereby taxpayers may voluntarily check off, donate and pledge an amount not less than \$1 or other higher amount to be added to taxes due, and to establish a Town, "Aid to the Elderly and Disabled Tax Fund", for the purpose of defraying the real estate taxes of elderly and disabled residents of low income, and also to vote for the minimum qualifying age permitted to be 55 years of age and of low income, or disabled of any age.

Majority vote declared by Moderator
Count: 242 Yes 6 No

Article 24-28 (Consolidated Amendments to the Zoning Bylaws)

A motion was made and seconded by the Board of Selectmen to amend the Eastham Zoning Bylaw:

- Section II -Zoning Districts (Article 24);
- Section XI- Administration, reformatting (Article 25);
- Section XIV-Site Plan Approval Residential (Article 26);
- Section XX-General Wind Facilities, subsection C.3 (Article 27);
- **Section XX-General Wind Facilities, subsection C.3** (Article 28) and
- Section XIII-Marijuana Regulations, as printed in the warrant.

Article 24 (Zoning - Map & Districts)

~~Strikethrough~~ = Language proposed for deletion

Underline = Language proposed for inclusion

- adopt a map entitled "Town of Eastham Zoning Map May 7, 2018" as the official zoning map for the Town; and also
- amend the Eastham Zoning Bylaw, **SECTION II –ZONING DISTRICTS** by amending the following language:

All shown on a map entitled 'ZONING MAP OF THE TOWN OF EASTHAM, MASSACHUSETTS dated ~~July 24, 2001~~ May 7, 2018" which has been duly adopted as the official zoning map for the Town.

Article 25 (Zoning – Administration)

~~Strikethrough~~ = Language proposed for deletion

Underline = Language proposed for inclusion

Amend the Eastham Zoning Bylaw, **SECTION XI ADMINISTRATION** by reformatting the section and inserting the following language:

D. ENFORCEMENT

3. Noncriminal Disposition process. Violations of the zoning bylaw provisions may be sanctioned through the noncriminal disposition process authorized by Massachusetts General Laws

Chapter 40, Section 21D, as amended. Resort to this noncriminal disposition method shall lie within the discretion of the Building Commissioner, or his or her designee. The option of noncriminal disposition shall exist in addition to all other available enforcement alternatives. To enforce the provisions of this Bylaw through noncriminal disposition, the following is an assessment of penalties that shall be imposed upon violators of this Bylaw:

First Offense:	\$100
Second Offense:	\$200
Third Offense and all further offenses:	\$300

Article 26 (Zoning – Site Plan Approval, Residential)

~~Strikethrough = Language proposed for deletion~~

Underline = Language proposed for inclusion

Amend the Eastham Zoning Bylaw, **SECTION XIV– SITE PLAN APPROVAL RESIDENTIAL** by amending the following language:

B. APPLICATION

~~Each application for Site Plan approval— Residential shall be filed with the Planning Board along with twelve (12) copies and the required fee~~

- Each application for Site Plan Special Permit shall be filed by the petitioner with the Town Clerk, and twelve (12) copies of said application, including the date and time of filing certified by the Town Clerk, shall be filed with the Planning Board.
- Each application shall be accompanied by the required fee:
 - The fee schedule is listed in the Planning Board Regulations.
 - In addition, the applicant will bear the costs of any outside planning or engineering consultant requested by the Planning Board.

And to further amend

I. ENFORCEMENT

- Any decision approving a Site Plan – Residential under this section shall lapse within ~~two~~ three (3) years if a substantial use thereof has not sooner commenced or, in the case of a permit for construction, if construction has not begun by such date. Such approval may be extended for reasonable cause if substantial completion of the approved site plan has not taken place. The Planning Board for reasonable cause may extend such approval; or take any action relative thereto.

Article 27 (Zoning – General Wind Facilities)

~~Strikethrough = Language proposed for deletion~~

Underline = Language proposed for inclusion

Amend the Eastham Zoning Bylaw, **SECTION XX – GENERAL WIND FACILITIES (WFs) subsection C.3** by amending the following language:

- Height: No WF may exceed seventy-five (75) feet in height, except in the Trade Park (TP) District where they may not exceed one-hundred (100) feet.

District	A	B	C-TP	D	<u>LC</u>	<u>TC</u>	<u>LC</u>	<u>CC</u>	<u>OR</u>	E	F	G	H
Height	75'	75'	100'	75'	<u>75'</u>	<u>75'</u>	<u>75'</u>	<u>75'</u>	<u>75'</u>	75'	75'	75'	75'

Article 28 (Zoning – Marijuana Regulations)

~~Strikethrough~~ = Language proposed for deletion

Underline = Language proposed for inclusion

Amend the Eastham Zoning Bylaw, **SECTION XIII –MARIJUANA REGULATIONS** by inserting the following language:

F. STANDARDS AND CRITERIA

Special Permits are granted when the Special Permit Granting Authority determines that the use involved will not be detrimental to the established or future character of the neighborhood and the Town and when it has been found that the use involved will be in harmony with the general purpose and intent of the Zoning By-law and zoning district. It shall be the responsibility of the applicant for any Special Permit to demonstrate, to the satisfaction of the Special Permit Granting Authority, that criteria including, but not limited to, the following are met:

1. Adequacy of the site, in terms of size, for the proposed structure or use;
2. Compliance with all applicable requirements for Minor Site Plan Review, Major Site Plan Review or Site Plan Special Permit.
3. Suitability of the site for the proposed structure or use with regard to the purpose and intent of the zoning district;
4. Adequacy of traffic flow management within the site as well as in relation to adjoining streets and properties so as to minimize unsafe and harmful impacts;
5. Compatibility of the proposed structure or use with surrounding land uses so as to minimize harmful impact or conflict with existing desirable neighborhood character, including views, vistas and other aesthetic values;
6. Adequacy of the method of sewage disposal, source of potable water and site drainage;
7. Protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies;
8. Adequacy of provision of utilities and other necessary or desirable public services;
9. Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways and the neighborhood;
10. Protection from degradation and alteration of the natural environment, including, but not limited to, slopes and other topographical features, vegetation, wetlands, and wildlife habitat; or take any action relative thereto.

Two-thirds vote declared by Moderator

Count: 234 Yes 11 No

Article 29 (Zoning – Proposed Re-Codification of Zoning Bylaw)

A motion was made and seconded by the Board of Selectmen to amend the Eastham Zoning Bylaw in its entirety by re-codifying the bylaw.

Zoning Bylaw Re-Codification: Present Sections and Proposed New Sections				
Current	Section	Changes	Proposed	Section
I	Purpose	Sections I and XVI combined, severability text consolidated/added to new section	1.0	Purpose, Validity and Severability
II	Zoning Districts	No Change	2.0	Zoning Districts

III	Definitions	Definitions moved to Section 21.0	3.0	Uses
IV	Flood Plain Zoning	Flood Plain moved to Section 18.0	4.0	Non-Conforming Uses
V	Uses	Uses moved to Section 3.0	5.0	Accessory Uses
VI	Non-Conforming Uses	Non-Conforming Uses moved to Section 4.0	6.0	Prohibited Uses
VII	Accessory Uses	Accessory Uses moved to Section 5.0	7.0	Intensity Regulations
VIII	Prohibited Uses	Prohibited Uses moved to Section 6.0	8.0	Parking Requirements
IX	Intensity Regulations	Intensity regulations moved to Section 7.0	9.0	Landscape Requirements
X	Parking Requirements	Site Plan Approval Consolidated into one section	10.0	Site Plan Approval
XI	Landscape Requirements	Landscape Requirements moved to Section 9.0	11.0	Procedure for the Demolition of Historically or Architecturally Significant Building
XII	Administration	Administration moved to Section 19.0	12.0	Sign Code
XIII	Site Plan Approval Special Permit	Site Plan Special Permit consolidated into new Section 10	13.0	Open Space Residential Site Development
XIV	Site Plan Approval Residential	Site Plan Residential consolidated into new Section 10	14.0	General Wind Facilities (WFs)
XV	Review	Review moved to Section 20.0	15.0	Municipal Wind Facilities (MWFs)
XVI	Validity	Validity moved to Section 1.0	16.0	Environmental Standards
XVII	Demolition of Historical/Architecturally Significant buildings	Historical moved to Section 11.0	17.0	Marijuana Regulations
XVIII	Sign Code	Sign Code moved to Section 12.0	18.0	Flood Plain Zoning
XIX	Open Space Residential	Open Space moved to Section 13.0	19.0	Administration
XX	General Wind Facilities (WFs)	General Wind Facilities moved to Section 14.0	20.0	Review
XXI	Municipal Wind Facilities (MWFs)	Municipal Wind Facilities moved to Section 15.0	21.0	Definitions

XXII	Environmental Standards	XXII eliminated due to consolidation of other sections, Environmental Standards moved to new Section 16	NA	NA
XXIII	Marijuana Regulations	XXIII eliminated due to consolidation Marijuana moved to Section 17.0	NA	NA

Zoning Bylaw Re-Codification: Summary of Proposed Changes to Text	
NEW SECTION	TEXT CHANGES SUMMARY
All Sections	<p>References to subsections throughout the document have been changed to reflect the proposed new index and numbering format.</p> <p>Minor edits to the text have been made to correct syntax, punctuation and grammar No substantive changes have been made.</p> <p>Cross-references to various sub sections embedded throughout the document have been changed from roman numeral format.</p> <p>Subsection cross references have been renumbered to correct for changes due to consolidation of other sub sections.</p> <p>Bullet points have been changed to numbers in various subsections.</p>
1.0	Severability language from various other sections deleted and one comprehensive severability section added.
2.0	Section 2.0 Zoning Districts has been re-formatted adding new text and new subsections as “pointer” references to help guide users to other sections of bylaw.
3.0	<p>Text describing Uses for Districts A and F has been relocated to Section 2.0 under the “Uses” reference</p> <p>New text added to explain that Districts C and D no longer exist per changes to the bylaw adopted at the 2018 annual town meeting.</p> <p>District I ECSD definitions relocated to consolidated new definitions section, severability section deleted</p> <p>District J definitions relocated to consolidated new definitions section, severability section deleted</p>
5.0	Severability text has been deleted (see 1.0 above)
7.0	Portions of certain definitions which contain regulatory language have been relocated from the definitions section to Section 7.0 Intensity Regulations under new subsections: 7.5 – “Use Requirements” and 7.6 - “Building/Structural Dimensional Requirements”
11.0	<p>Section heading text deleted to conform to new numbering system.</p> <p>Current Section 2 Definitions relocated to consolidated definitions under Section 21.0</p> <p>Text in current Section 7.0 “Historic District Act” relocated to new subsection 11.1.1</p>

	Current Section 6 “Severability” deleted (see 1.0)
12.0	Sign Code definitions relocated to consolidated definitions new Section 21.0
13.0	Open Space Residential Subdivision definitions relocated to consolidated definitions new Section 21.0
18.0	Flood Plain Zoning definitions relocated to consolidated definitions new Section 21.0
19.0	New bullet point text added as “pointer” references to help guide users to other sections of bylaw.
21.0	<p>Various Duplicate definitions have been removed or consolidated</p> <p>Portions of certain definitions have been deleted or amended for clarity, grammar etc. e.g: “Line, Street” renamed to “Street, Line” and</p> <p>“Structure, Floodplain” – added “floodplain” to differentiate from stand-alone definition of “Structure”.</p> <p>Certain definitions have been amended to remove portions of the text that are not part of definition but are part of regulatory language. The text has been inserted into more appropriate sections of the bylaw (see notes on section 7.0 above). Minor edits to definition text have been made to correct for syntax, punctuation and grammar. No substantive changes were made.</p>

Two-thirds vote declared by Moderator
Count: 232 Yes 6 No

Article 30 A-H Consolidated (Community Preservation Act Funding)

A motion was made and seconded by the Board of Selectmen to approve the recommended projects of the Community Preservation Committee for FY21 and to appropriate or reserve for future appropriation monies from the Community Preservation Fund’s annual or available revenues for the purpose of undertaking the Community Preservation projects, for administrative expenses, and all other necessary and appropriate expenses for FY21:

A. Source of Funds and Funding Formula, Total Community Preservation FY21 \$891,261

Open Space **\$89,126**
Historic Preservation **\$89,126**
Affordable Housing **\$89,126**
Active Recreation **\$89,126**
CPA Administration (support expenses) **\$44,563**
Reserves for Appropriation **\$490,194**

B. CPA Housing, Fund Housing Coordinator **\$40,000** - transfer the sum of **\$40,000** from the Community Preservation Affordable Housing Reserves to the Town of Eastham for the purpose of funding a part-time affordable housing coordinator.

C. CPA Housing, Fund Housing Assistance Programs, EAHT **\$300,000** - to transfer the sum of **\$211,587** from the Community Preservation Affordable Housing Reserves and **\$88,413** from the Community Preservation Undesignated Fund Balance to the Eastham Affordable Housing Trust in support of Housing Assistance programs.

D. CPA Housing, Fund Cape Housing Institute, Community Housing Partnership, **\$7,500** - transfer the sum of **\$7,500** from the Community Preservation Undesignated Fund Balance to Cape Housing Institute to support housing assistance programs.

E. CPA Historic Preservation, Preservation of Eastham Public Records, **\$16,000** - transfer the sum of **\$16,000** from the Community Preservation Historic Reserves to the Eastham Public Library to ensure the longevity of public records.

F. CPA Historic Preservation, Eastham United Methodist Church, **\$20,000** - transfer the sum of **\$20,000** from the Community Preservation Historic Reserves to the Eastham United Methodist Church for the purpose of renovating the restroom facilities.

G. CPA Historic Preservation, Eastham Town Hall Preservation, **\$300,000** - transfer the sum of **\$206,724** from the Community Preservation Historic Reserves and **\$93,276** from the Community Preservation Undesignated Fund Balance to the Town of Eastham for Town Hall preservation.

H. CPA Active Recreation, Wiley Park Recreation Area, **\$375,000** - transfer the sum of **\$210,465** from the Community Preservation Active Recreation Reserves and **\$164,535** from the Community Preservation Undesignated Fund Balance to the Town of Eastham for playground improvements at Wiley Park.

Majority vote declared by Moderator
Count: 227 Yes 14 No

Article 31 (General bylaw – Business Certificates)

A motion was made and seconded by the Board of Selectmen to indefinitely postpone this article. “A certificate issued in accordance with this bylaw shall be in force and effect for ~~two~~ *one* year, from the date of issue and shall be renewed ~~each two years~~ *annually* so long as such business shall be conducted and shall lapse and be void unless so renewed.”; or take any action relative thereto.

Indefinitely postpone vote declared by Moderator
Count: 197 Yes 22 No

Article 32 (General Bylaw – Repairs to Private Ways)

A motion was made and seconded by the Board of Selectmen to amend Chapter 118 of the Town’s general bylaws, Temporary Repairs to Private Ways as follows:

118-1 Purpose and authority.

For the purpose of enabling safe and convenient passage for public safety vehicles and the public over private ways open to and serving the general public, The Selectmen may designate for temporary repairs in a given year certain private roads that are open to the public, and Town Meeting may appropriate funds for said purpose, subject to the conditions set forth herein. No temporary repair may be made unless the Selectmen have previously determined that such repair is required by public necessity and an appropriation therefore is available.

118-2 Regulations.

The Selectmen may adopt regulations for the general administration of this bylaw and prescribing deadlines and procedures for submission of petitions, including official forms for petitions and indemnification, and may determine therein or by vote from time to time which, if any, private ways open to the public may receive temporary repair, and to the extent and types of repairs that may be made, subject to the availability of appropriation. Any private way that receives repairs pursuant to this bylaw must remain continuously open and available for public use.

118-3 Limits of Repairs

Temporary repairs are limited to those as are determined by the Selectmen to be required as a public necessity, including but not limited to, minor grading and patching, ~~maintenance, resurfacing,~~ installation and repair of drainage, not to exceed \$100,000 in value. Temporary repairs does not include new construction of sidewalks or streets.

118-4 Road conditions or standards

At a minimum, each private road shall meet the following requirements:

- A. Opened to and used by the public for a term of five or more years;
- B. With a traveled and improved width of at least 14' wide, clear of overhanging branches or other obstructions for at least such width, to a height of at least 14' wide;
- C. ~~A visible street sign at each terminus and significant intersections~~ Serving as access to 25-10 or more residences or businesses.

118-5 Petition Requirements

- A. The signature of ~~100%~~ two-thirds of owners of property abutting the road is required;
- B. An executed indemnification of the Town in a form prescribed by the Selectmen must accompany each petition;
- C. ~~A cash deposit in an amount determined by the Selectmen shall be made in an amount no less than 50% of the cost to the Town of the temporary repair.~~ The Town of Eastham will begin receiving applications on July 1 of every calendar year.
- D. A non-refundable deposit in an amount determined by the Select Board, but not to exceed \$500, shall be made to the Town for the development of a preliminary scope of work. If after initial investigation by the Department of Public Works (DPW) it is determined that additional engineering, surveying or title research is required, the scope of work will include an estimate of these costs. The non-refundable fee will be credited against the assessment of betterments.
- E. The Town will generate a certified list of abutters to the road which will be the official list of abutters for the purposes of the project.
- F. The abutters shall appoint one person to act as their representative to the Town for the purpose of the project, who will be known as the Applicant. The Applicant will be responsible to submit the official application, appear at public hearings, and track the progress of the project and report to the other abutters.
- G. Once the Applicant has accepted the scope of work, the Town will send each abutter on the certified list a breakdown of their estimated share of the total betterment costs for their signature and approval. The estimated betterment cost will include all the costs of the project and may include engineering, surveying, materials, labor, formal layout plans and legal fees if any.
- H. The Town must receive the executed forms from two-thirds of the abutters by December 1 in the year the application was made in order for the project to move forward. If the package is not complete by the deadline, the applicant must wait and re-apply the following July 1.
- I. Once the Town receives the executed betterment forms from two-thirds of the abutters, the DPW will forward the completed application to the Town Manager with a request for a public hearing with the Select Board. At that hearing, the Select Board will review the petition and if approved, will then vote to recommend a warrant article for funding the work at the next Town Meeting.

118-6 Betterments

The Selectmen may assess betterments, according to the circumstances of each private way, including but not limited to consideration of the use of the road by the public.

- A. When all estimated costs associated with the temporary repairs are less than \$400 per abutter, the total amount of the repair must be furnished prior to the start of any work. When the total costs exceed \$500 per abutter, a betterment will be assessed.
- B. If the project is approved after the public hearing, the Selectmen will approve the certified abutters list, adopt an order of assessment and estimate of betterments in accordance with MGL Chapter 80.

- C. After approval of the warrant article at Town Meeting, the Town Treasurer shall record the Order of Assessment and Estimate of Betterments at the Barnstable County Registry of Deeds.
- D. Within six months of the completion of the project, the DPW will provide the Town Assessor with the final costs of the project in order to assess the betterment for each property. Betterments will be assessed on a per lot (parcel) basis shall constitute a lien, and be assessed in accordance with MGL Chapter 80, Section 12.
- E. Repayment will occur in accordance with the following schedule:
 - a. \$0-\$499 prior to construction
 - b. \$500-\$1,999 Within five years of when assessment is levied
 - c. \$2,000 or greater- Within ten years of when assessment is levied

118-7 Liability

The Town shall not be liable for any damage to persons or property caused by such repairs, nor for a claim of public road status on account of such repairs. MGL Chapter 84, Section 25 shall not apply to the repairs. Any future maintenance or necessary repairs shall be the sole responsibility of the abutters.

Majority vote declared by Moderator
Count: 199 Yes 27 No

Article 33 (Petition – Accept a Portion of Toland Drive as a Public Way).

A motion was made and seconded by the Board of Selectmen to postpone to the May 3, 2021 Annual Town Meeting to lay out and accept as a Town way that portion of Toland Drive from Aspinet Road to Jay Dee Lane as shown in the Subdivision Plan of Land in Eastham made for Joseph A. Toland and approved by the Eastham Planning Board on December 14, 1978 and to raise an appropriate the sum of \$5,000 for the costs associated therewith.

Postpone majority vote declared by Moderator
Count: 207 Yes 13 No

Article 34. (Petition – Climate Policy)

A motion was made by petition to adopt the following as a general by-law and insert it into the Eastham General Bylaws as Chapter 45:

Chapter 45 Climate Policy

Section 1: The Town of Eastham recognizes that the climate emergency, driven by human activity including human consumption and land use practices and leading to global warming, rising seas, deadly storms, dangerous heat waves, acidifying oceans, and melting ice sheets, poses a threat to the health, safety and economic security of the residents of the Town. The Town of Eastham therefore adopts as its policy the objective of reducing net greenhouse gas emissions from human activity within and by the Town to zero at the earliest technically and economically feasible time, and directs that all officers and departments of the Town take such measures within the scope of their respective responsibilities and authority as may be necessary and prudent to facilitate such policy and objective.

Summary by Town:

The language of this article is not appropriate as a Town By-law. By-laws have a specific form that includes: definition of terms, enforcement and appeal process, entity responsible for enforcement, and fines/penalties applicable if not followed. The article requires the Town to adopt a policy, which is achievable, and also asks that it be adopted as a bylaw, which is not achievable.

Majority vote to adopt policy/not as bylaw
was declared by Moderator
Count: 182 Yes 44 No

Article 35. (Petition – Non-binding Public Advisory Question)

A motion was made by petition:

Whereas, the high level nuclear waste will remain at Pilgrim for decades or more in dry casks that present safety concerns, each holding half the radioactive cesium released at Chernobyl;

Whereas, the spent fuel pool remains full and is vulnerable to terrorist attack or accident that could cause radioactive contamination rendering our communities inhabitable;

Whereas, lax security on the property currently allows open access to the Pilgrim Plant beyond the posted, “no trespassing” signs to within line-of-sight dry casks and spent fuel pool;

Whereas, during decommissioning, the Nuclear Regulatory Commission has approved exemptions requested by Pilgrim owner Holtec for reduced off-site liability insurance, reduced cybersecurity, and reduced offsite emergency planning, thus potentially endangering the public including residents of the Town of Eastham;

Whereas, citizens of the Town of Eastham find this to be an unacceptable threat to our health and safety that must be addressed in the timeliest manner;

Therefore, shall the people of the Town of Eastham direct the local government to request that Governor Baker and the State Legislature employ all means available to ensure that: (1) spent nuclear fuel is secured in better quality dry casks and hardened, on-site storage; and (2) spent fuel pool and casks are protected with heightened security to prevent intrusion in order to protect the health, welfare, and economic interests of the Town of Eastham and its inhabitants and visitors?

Motion to amend and change verbiage from “inhabitable” to “un-inhabitable”

Two-thirds vote declared by Moderator

Count: 195 yes 7 no

Motion to Call the question

Two-thirds vote declared by Moderator

Count: 185 – yes 10 no

Majority vote declared by Moderator

Count: 182 yes 22 no

Article 36. (Accept Published Reports)

A motion was made and seconded by the Board of Selectmen to accept the published reports of the Town Officers as printed and made available to the public in the 2019 Town of Eastham Annual Report and to accept the published Strategic Plan.

Majority vote declared by Moderator

Count: 194 Yes 4 No

There were 279 voters present at the close of Town Meeting out of a possible 4,420. There being no further action of Town Meeting, the Selectmen moved and seconded a motion to dissolve Town Meeting at 12:25 p.m. The Moderator declared Town Meeting dissolved after a unanimous vote by voters.

A True Copy Attest:

Cindy Nicholson
Town Clerk